COMMONWEALTH OF MASSACHUSETTS State Building Code (780 CMR) Appeals Board Board's Ruling on Appeal¹

Docket No. 08-627

Appellant(s): Vernon Woodworth

Appellee(s): VZ.

City/Town of Foxborough

William Casbarra

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 1014.11, for 131 Central Street, Foxborough, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq.; and 780 CMR 122.3.4, the Board convened a public hearing on September 4, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. William Casbarra was present also.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 1014.11. based on the fact that if construction on this project is not started until next year then the existing permit will be null and void which would then trigger a submittal for a new building permit. It was noted that an allowance for this condition will be found in the 7th edition 780 CMR which is being adopted by the Board of Building Regulations and Standards. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 1014.11, is hereby granted and so ordered² on this date: September 4, 2008.

acob Numeracher of Bran Malers

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.